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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTINE ODERO, UMAIR KHAN, RIZWAN TUFAIL,
SERGEY ZABELIN, CARINA J. HAN, and HAIXIAO YU

Appeal 2009-004429
Application 09/932,262
Technology Center 2100

Before HOWARD B. BLANKENSHIP, THU A. DANG, and STEPHEN C.
SIU, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

I. STATEMENT OF CASE

Appellants appeal the Examiner's final rejection of claims 1-41 under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellants, the invention relates to user interfaces and more particularly to a new toolbar for adding functionality to Internet browsers (Spec. 2, ¶ [0001]).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and reproduced below:

1. A method for providing a multifunction toolbar for a web browser, comprising:

displaying a toolbar over a web browser on a computer;

linking the toolbar to a portal of a user on a remote server coupled to the computer via a network, wherein the portal is for aggregating content selected by the user;

presenting a bucket on the toolbar;

recognizing when the user selects content on a website displayed on the web browser and drops the content in the bucket; and

adding the selected content to the portal.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Sheldon	US 6,072,486	Jun. 06, 2000
Anuff	US 2002/0029296 A1	Mar. 07, 2002
Schultz	US 6,453,339 B1	Sep. 17, 2002
Ferguson	US 6,769,019 B2	Jul. 27, 2004
Shafron	US 2004/0165007 A1	Aug. 26, 2004
Bascom	US 7,139,974 B1	Nov. 21, 2006

Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 19, and 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon and Anuff.

Claims 2, 11, 20, 21, 23-25, 27-29, 31-33, 35, 36, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff, and Bascom.

Claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff and Schultz.

Claims 22 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff, Bascom and Schultz.

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff and Shafron.

Claims 26 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff, Bascom, and Shafron.

Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff, Bascom, Shafron, and Schultz.

II. ISSUE

Has the Examiner erred in finding that Ferguson in view of Sheldon and Anuff would have disclosed or suggested “linking the toolbar to a portal of a user” (claim 1), as Appellants contend? In particular, the issue turns on whether the combined teachings of Ferguson and Sheldon would have disclosed or suggested linking a toolbar to a portal.

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Ferguson

1. Ferguson discloses an interface onto which a user dynamically selects hyperlinks from a Web page displayed in the window of a browser by “dragging-&-dropping” them with a pointing device, wherein the dragged-&-dropped links are downloaded and stored in a cache on the user’s hard drive as Q-links that are presented in a list in the interface. When the user is ready to view the previously selected pages, the user can click on any of the Q-links in the list, which displays that content directly from hard drive cache to the browser (col. 2, l. 65 to col. 3, l. 16).
2. A Web page is displayed on the browser 62 while a minimized graphical user interface (GUI) 245 “floats” above the window of the browser 62 (col. 5, ll. 54-57; Fig. 6), wherein the maximized GUI 251 displays a list 261 of the Q-Link and Q-Touch content to be downloaded, downloading, or downloaded in the background (col. 6, ll. 29-31; Fig. 8).
3. Invention Interface 404 collects an array of URLs, displays the list to the user for selection, tracks user movements for generating Q-Tracks

information both for Q-Links and Q-Touch pages (col. 10, ll. 1-6; Fig. 10), receives stimuli from the user for display of cached Q-Links in the open instance of the browser 62, and when the user selects a link from the Q-Links list 261 displayed in the Maximized Graphical Interface 251, the Invention Interface 404 produces the local cache path for the specified link by consulting the contents of the log file maintained by the Cache Manager 410 (col. 10, ll. 19-26).

4. In Drag-&-Drop operations, a current Web page is displayed on the browser 62 and the Invention Interface 404 “floats” above the window of the browser 62 (col. 27, ll. 17-28).

Sheldon

5. Sheldon discloses a deskbar that manages and presents sets of tool-type user interface (UI) components for accessing data and implementing functions associated with multiple application programs, wherein the deskbar is designed to be highly customizable (col. 2, ll. 36-42).

6. The deskbar displays the band object on a desktop and the deskbar site interacts with the deskbar to negotiate display screen real-estate to display the deskbar (col. 2, ll. 48-51).

7. The deskbar contains toolbars and toolbar components from multiple application programs, and exists in an application window, wherein the user selects toolbar components or entire toolbars from one or more application programs and house these toolbars or toolbar components in a single deskbar and create new deskbars and populate them with selected toolbars and toolbar components (col. 6, l. 62 to col. 7, l. 3).

8. The deskbar 310 includes a section 319 for containing application icons 320 that are associated with application programs that are currently

open, and by clicking on the application icon 320 using the mouse 42, the associated application program becomes active (col. 14, ll. 12-18; Figs. 4a-4b).

9. The user customizes the deskbar 310 by adding deskbands to the deskbar 310 (col. 14, ll. 29-30; Fig. 4a).

10. Before the application window or deskbar is closed, the deskbar site sends a signal to the deskbar and instructs the deskbar to save its current format to the registry, and the deskbar saves its current format to the registry (col. 13, ll. 28-32).

IV. ANALYSIS

Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 19, and 39-41

With respect to claim 1, Appellants contend that Sheldon “fails to even suggest, let alone specifically meet appellant’s claimed ‘linking the toolbar to a portal of a user’ (emphasis added), as claimed” (App. Br. 14-15). In particular, Appellants contend that Sheldon only suggests “allowing a deskbar to exist in an application window” (App. Br. 15) and that “such GUI clearly cannot have a ‘link to the displayed portal in Ferguson’ (emphasis added)” (*id.*). However, the Examiner finds that “incorporation of the ‘bucket’ of Ferguson into the customizable toolbar of Sheldon links the toolbar to the portal, as the bucket provides a direct link to the portal” (Ans. 13).

To determine whether the combined teachings of Ferguson and Sheldon would have disclosed or suggested linking a toolbar to a portal as required by claim 1, we give the claim its broadest reasonable interpretation. *See In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004). Moreover, we will

not read limitations from the Specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

Claim 1 does not define what “linking” or “toolbar” means, includes, or represents but merely states that the method comprises “linking the toolbar to a portal of a user.” In fact, claim 1 does not define what a “portal” is except that it is “of a user.” Rather, Appellants’ Specification merely defines “portal” as “a habitat” (Spec. 8).

Furthermore, Appellants have not pointed to any section in the Specification disclosing that the term “linking” has a special meaning in the art. Accordingly, we broadly but reasonably interpret “linking the toolbar to a portal of a user” to be any connection of a toolbar to a habitat or storage area of a user, wherein we give “toolbar” its ordinary meaning of as a row of icons on a computer screen that activate commands or functions when clicked.

Ferguson discloses an interface onto which a user dynamically selects hyperlinks from a Web page displayed in the window of a browser by “dragging-&-dropping” them, wherein the dragged-&-dropped links are downloaded and stored in a cache on the user’s hard drive as Q-links that are presented in a list in the interface and the user can view selected pages by clicking on any of the Q-links in the list to display that content directly from hard drive cache to the browser (FF 1). In particular, a Web page is displayed on the browser while an interface “floats” above the window of the browser and displays a list of the Q-Link content (FF 2), and when the user selects a link from the Q-Links list displayed, a local cache path for the specified link is produced (FF 3), wherein the user can drag and drop links onto the interface (FF 4).

We find the “portal of a user” of claim 1 to read on Ferguson’s cache on the user’s hard drive. That is, we find the cache for housing data to be a “habitat” and thus a “portal,” wherein the cache, being on the user’s hard drive, is “of a user” as required by claim 1.

Furthermore, the interface of Ferguson is displayed over a web browser (FF 2) for aggregating links selected by the user and for recognizing when the user selects a link on a website displayed on the web browser and when the user drops the link in the interface (FF 3-4), wherein the selected link is then downloaded and stored to cache (FF 1) by producing a local cache path for the specified link (FF 3). Thus, we agree with the Examiner and find Ferguson to disclose linking to a portal (or cache) of a user. In fact, Appellants have not shown why such teachings of Ferguson are not sufficient for a teaching of linking to a portal.

Moreover, Sheldon discloses a customizable deskbar containing toolbars and toolbar components that manages and presents sets of user interface components for accessing data and implementing functions associated with multiple application programs (FF 5-7). In particular, the deskbar includes a section for containing application icons that are associated with application programs that become active by clicking on the application icons (FF 8), and the user customizes the deskbar by adding deskbands to the deskbar (FF 9), wherein the additions to the deskbar are saved to a registry (FF 10). We find Sheldon to disclose a row of icons on a computer screen at activate commands or functions when clicked, wherein the icons are linked to a registry. Accordingly, we find Sheldon to disclose a user interface comprising a toolbar that is linked.

We find no error in the Examiner's finding that "incorporation of the 'bucket' of Ferguson into the customizable toolbar of Sheldon links the toolbar to the portal, as the bucket provides a direct link to the portal" (Ans. 13). That is, the combination of one known element (Ferguson's linking of the user interface to a cache on the user's hard drive) with another (Sheldon's toolbar on the user interface) would have yielded predictable results to one of ordinary skill in the art at the time of the invention. That is, we find that such combination is no more than a simple arrangement of old elements, with each performing the same function it had been known to perform, yielding no more than one would expect from such an arrangement." *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

The skilled artisan would "be able to fit the teachings of multiple patents together like pieces of a puzzle" since the skilled artisan is "a person of ordinary creativity, not an automaton." *Id.* at 420-21. Appellants have presented no evidence that replacing the user interface of Ferguson, which is linked to a portal, with the toolbar user interface of Sheldon was "uniquely challenging or difficult for one of ordinary skill in the art" or "represented an unobvious step over the prior art." *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418-19).

As for claims 3 and 12, Appellants argue that "simply describing that toolbars can be modified by adding or deleting buttons and changing button function, as in Sheldon, fails to disclose 'a customize button'" (App. Br. 17). However, the Examiner finds that "Sheldon teaches a menu that allows a user to customize features of a toolbar" (Ans. 14). We agree with the Examiner.

Sheldon discloses customizing the deskbar by selecting the “toolbar” icon (FF 9). Contrary to Appellants’ argument, we find Sheldon would have suggested a “customize button” as required in claim 3.

As for claim 39, Appellants argue that “interface 246 [of Ferguson] is clearly not a button” and thus, “neither Sheldon nor Ferguson, as relied on by the Examiner, meet appellant’s claimed ‘bucket [that] includes a button on the toolbar’ (emphasis added)” (App. Br. 18). However, Ferguson discloses that a user may select a link on the list on the interface by clicking on the link (FF 1). We find Ferguson’s interface to include buttons. In Ferguson, the links are dragged and dropped into the interface including the buttons (FF 4). Thus, we find Ferguson to at the least suggest a bucket that includes a button.

As to claim 41, though Appellants argue that Anuff “does not disclose a remote server” (App. Br. 18), the Examiner finds that “the Anuff reference indeed teaches a remote server, as can be seen in the client/server architecture of Fig. 3” (Ans. 15). We agree with the Examiner.

Though Appellants also argue that Anuff does not disclose that “adding the selected content to the portal includes storing the content on the remote server” (App. Br. 18-19), Appellants appear to be arguing that Anuff alone does not teach the claimed invention. However, nonobviousness cannot be shown by attacking the references individually. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Accordingly, we affirm the rejection of claims 1, 3, 12, 39 and 41, and claims 5-7, 9, 10, 14-16, 18, 19, and 40 falling with claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon and Anuff.

Claims 2, 11, 20, 21, 23-25, 27-29, 31-33, 35, 36, and 38

With respect to claim 20, Appellants merely repeat that Sheldon “only suggests allowing a deskbar to exist in an application window which does [not] meet appellant’s claimed ‘linking the toolbar to a portal of a user’” (App. Br. 20). However, as discussed above regarding claim 1, we do not find any deficiencies with respect to the combination of Ferguson and Sheldon for this teaching.

As to claims 2 and 11, Appellants argue that “Bascom only discloses connecting a client tool to a server, and not a ‘toolbar [that] links to the portal upon the user signing in’ (emphasis added)” (App. Br. 22). However, Appellants appear to be arguing that Bascom alone does not teach the claimed invention wherein the Examiner has rejected claims 2 and 11 over the combined teachings of Ferguson, Sheldon, Anuff and Bascom.

With respect to claim 38, Appellants merely repeat that Sheldon “fails to specifically teach ‘linking the toolbar to a portal of a user’” (App. Br. 23). As discussed above, we do not find any deficiencies with respect to the combination of Ferguson and Sheldon for this teaching.

Accordingly, we affirm the rejection of claims 2, 11, 20, and 38, and claims 21, 23-25, 27-29, 31-33, 35, and 36 falling with claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff and Bascom.

Claims 4, 8, 13, 17, 22, 26, 30 and 34

Appellants do not provide arguments for claims 4, 8, 13 and 17 separate from those of claim 1, and do not provide argument for claims 22, 26, 30 and 34 from those of claim 20. Accordingly, we also affirm 1) the rejection of claims 4 and 13 over Ferguson in view of Sheldon, Anuff and

Schultz; 2) the rejection of claims 22 and 30 over Ferguson in view of Sheldon, Anuff, Bascom and Schultz; 3) the rejection of claims 8 and 17 over Ferguson in view of Sheldon, Anuff and Shafron; and 4) the rejection of claims 26 and 34 over Ferguson in view of Sheldon, Anuff, Bascom, and Shafron under 35 U.S.C. § 103(a).

Claim 37

With respect to claim 37, Appellants merely repeat that Sheldon “only suggests allowing a deskbar to exist in an application window which does [not] meet appellant’s claimed ‘linking the toolbar to a portal of a user’” (App. Br. 28). However, as discussed above regarding claim 1, we do not find any deficiencies with respect to the combination of Ferguson and Sheldon for this teaching.

Accordingly, we also affirm the rejection of claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Sheldon, Anuff, Bascom, Shafron and Schultz.

V. CONCLUSION AND DECISION

The Examiner’s decision rejecting claims 1-41 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

Appeal 2009-004429
Application 09/932,262

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